

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

SEP - 2 2015

United States of America

)

v.

)

Ayax Uriel DIAZTAPIA

Case No.

YOB: 1979

)

H15-1249M

Defendant(s)

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 17, 2014 and June 19, 2014 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section	Offense Description
Title 21 U.S.C., Section 846	Conspiracy to possess with intent to distribute more than 5 kilograms of cocaine, a Schedule II controlled substance
Title 21, U.S.C., Section 841(a)(1)	Possession with intent to distribute more than 5 kilograms of cocaine, a Schedule II controlled substance

This criminal complaint is based on these facts:

See attached "Affidavit"

 Continued on the attached sheet.Approved by: Anibal J. Alaniz
AWA

 Complainant's signature

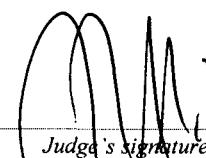
Juan Fernandez, S/A DEA

Printed name and title

Sworn to before me and signed in my presence.

Date:

9-2-15


 Judge's signature

City and state:

Houston, Texas

Mary Milloy, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. Your Affiant, Special Agent (“SA”) Juan Fernandez, has been employed by the Drug Enforcement Administration (“DEA”), as a SA since September 2004. Your Affiant is currently assigned to the DEA - High Intensity Drug Trafficking Area (“HIDTA”), Squad H-33, in the Houston Division. Your Affiant has conducted investigations into the unlawful importation, possession with intent to distribute and distribution of controlled substances, the unlawful use of a communication facility, and attempts and conspiracies to do the same. This affidavit is made in support of a criminal complaint filed against Ayax Uriel DIAZTAPIA (hereafter referred to as “DIAZTAPIA”).

2. The information set forth in this affidavit is based upon your Affiant’s personal knowledge and/or information provided to Affiant by personal observations of other law enforcement agents and officers, witnesses, and cooperating individuals who your Affiant believes to be reliable and credible.

3. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, your Affiant has not included each and every fact concerning this investigation. Your Affiant has only set forth the facts believed to establish probable cause that DIAZTAPIA has committed a violation of federal law.

4. In May 2014, a reliable and credible Confidential Source (“CS”) began to consensually record drug related telephone calls with Ayax Uriel DIAZTAPIA, a cocaine source of supply, based in Monterrey, Nuevo Leon, Mexico in which they discussed a cocaine transaction. In June 2014, DIAZTAPIA informed the CS that a commercial truck driver would transport 20 kilograms of cocaine from South Texas to Houston and asked the CS to coordinate the transportation of the cocaine from Houston, Texas to the Bronx, New York.

5. On June 5, 2014, DIAZTAPIA called the CS to inform him/her that members of the organization were going to send "20 units" (reference to 20 kilograms of cocaine) with a truck driver to Houston within two weeks. The CS informed law enforcement authorities that DIAZTAPIA agreed to pay him/her \$1,000.00 per kilogram upon delivery.

6. On June 6, 2014, DIAZTAPIA called the CS to inform him/her that the truck driver was going to call the CS very soon to coordinate the delivery of the cocaine. On June 13, 2014, DIAZTAPIA informed the CS that the truck driver was going to keep one (1) kilogram of cocaine in lieu of transportation fees and would only deliver 19 kilograms of cocaine to the CS.

7. On June 17, 2014, the truck driver called the CS and asked him/her if they could meet at 9550 West Wingfoot Road, Houston, Texas at 5:30 p.m. to turn over the cocaine to the CS. Based on this information, law enforcement authorities established surveillance near the parking lot and identified the semi-truck of the truck driver. During surveillance, law enforcement authorities saw the truck driver exit his semi-truck and walk to the CS's vehicle. The truck driver gave the CS an orange plastic bag containing five (5) bricks of cocaine and then returned to the semi-truck and retrieved a clear plastic bag containing four (4) bricks of cocaine and gave it to the CS.

8. After the brief meeting, law enforcement authorities followed the CS to a neutral location where they took custody of the cocaine. At that time, the CS informed law enforcement authorities that the truck driver was going to deliver 10 kilograms of cocaine to him/her on Thursday (June 19, 2014) at the same location.

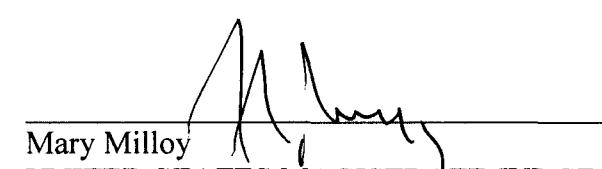
9. On June 19, the truck driver delivered 10 kilograms of cocaine to the CS at 9550 West Wingfoot Road, Houston, Texas. After the brief meeting, law enforcement authorities followed the CS to a neutral location where they took custody of the cocaine.

10. DEA agents performed field tests of the substance contained within the bricks at the Houston Division which tested positive for cocaine HCL.

11. Based on the above, the undersigned believes there is probable cause to believe that Ayax Uriel DIAZTAPIA has committed a crime in violation of Title 21, United States Code, Section 841(a)(1) and 846.


Juan Fernandez
Special Agent
Drug Enforcement Administration

SUBSCRIBED AND SWORN TO before me this 2nd day of September, 2015
and I find probable cause.


Mary Milloy
UNITED STATES MAGISTRATE JUDGE